

**Idaho Fish and Game Commission
Quarterly Meeting - April 21-23, 2004
Salmon Rapids Lodge
Riggins, Idaho**

RULES

Public Hearing

Commission Chair Nancy Hadley called the hearing to order at 7:00 pm. She introduced Commissioners Alex Irby, John Burns, Marcus Gibbs, John Watts, Cameron Wheeler, and Frederick L. Wood III, MD, and Commission Secretary Steven Huffaker. Introductions of Department staff followed.

Don Kemner, Wildlife Staff Biologist, reviewed proposed changes to rules for upland game which will be presented for Commission consideration April 22, along with proposed falconry and furbearer rules.

The hearing was opened for public comment.

John Weiland, license vendor, Orofino, representing other area vendors, expressed frustration at the rate of compensation vendors receive. He said since the point of sale system was initiated, the transaction possibilities have expanded and Access Yes! adds even more duties, which increase his labor costs. Additionally, many customers come in to buy only a license – no merchandise.

Dennis Harvey, Whitebird, said quail and chukar openings are too early; the birds are immature. He supports a later opening date (the same as for pheasant) and later closing date. He also supports hunting the birds in January and said those seasons can be closed if there is heavy snow.

Gary Lane, Wapiti River Guides, said there is poor distribution of guides working on the Salmon River. He's concerned that with the road closure this summer during construction, some outfitters won't be able to get to their areas. He'd like Fish and Game support to let outfitters share the river stretch to Whitebird during the construction.

Jon Heggen, Chief, Bureau of Enforcement, responded to Mr. Lane's questions about reports of poisoned meat being placed along the Salmon River.

Richard Pottenger, Pottenger's Mercantile, Riggins, expressed concern about "no parking" and "no camping" signs put up along the Salmon River by the Idaho Department of Transportation. He would like the Department to get involved to restore the parking or pay willing landowners for allowing angler access on their property.

Randal O'Melia, Twin Falls, came to the hearing to withdraw comments he made in a recent letter to the editor.

MISCELLANEOUS

Presentations to Commissioners Burns and Wood

Plaques and gifts were presented to Commissioner John Burns and Commissioner Fred Wood recognizing their dedicated service on the Fish and Game Commission since July 1996. Their appointments expire on June 30, 2004.

The hearing ended at 7:25 pm.

April 22, 2004

Chair Nancy Hadley called the meeting to order at 8:02 am with all members of the Commission and Secretary Steven Huffaker present.

MISCELLANEOUS

Agenda Changes

An update on sage-grouse was added to the agenda.

Review of April 21 Public Comment

Discussion addressed the placement of “no parking” and “no camping” signs along a stretch of the Salmon River. It was noted that there are funds available to purchase fishing access.

DIRECTOR’S REPORT

Topics in the Director’s Report to the Commission included the benefits of the fawn monitoring program, sage-grouse research, completion of wolf training for Department staff, the U.S. Fish and Wildlife Service’s 10(j) Amendment hearing on wolf management held in Boise, and an update on preparations for the Western Association of Fish and Wildlife Agencies meeting in Sun Valley.

MISCELLANEOUS

Commission Reports

Southwest Region – Commissioner Watts reported addressing legislative issues and wolves on a radio show in the Treasure Valley; attending a breakfast meeting with Region 3 staff and Weiser sportsmen; a meeting with an individual who wants to start a shooting preserve in the region; a press conference on the Owyhee Initiative; and the 10(j) wolf hearing.

Clearwater Region – Commissioner Irby reported good steelhead fishing in the region and said anglers are looking forward to the salmon season; a meeting with the Nez Perce Tribal Executive Committee in Lapwai regarding Shoshone-Bannock fishing rights; negotiations are ongoing regarding a tribal lawsuit on the North Lochsa Face habitat project; more elk are being seen in the North Fork country, and a barbeque sponsored by Clearwater outfitters is scheduled this weekend.

Salmon Region – Commissioner Burns reported a dry spring in the region and low water in the Lemhi River, his appointment as Commission representative on the Idaho Fish and Wildlife Foundation ends June 30, and the development of a Foundation promotion for license plate sales jointly with Salmon River Motors.

Upper Snake Region: Commissioner Wheeler reported reservoirs won't fill this year due to the water shortage; a fish kill at Mud Lake due to oxygen depletion; warm weather conditions in March were favorable for deer and elk; people, bears and wolves are beginning to take a toll on the region's moose population; and there was good hunter acceptance of season setting proposals.

Magic Valley Region: – Commissioner Wood advised that it works well if a Commissioner with the time and interest serves as the Commission's liaison to the Idaho Fish and Wildlife Foundation, rather than rotating the assignment every year. He reported rainfall was close to average in the region during April, attending several meetings with staff in the region, good sharp tail populations and trapping taking place for Nevada and in-state transplant, and deer counts are up in excess of 4,000 animals over last year.

Southeast Idaho: Commissioner Gibbs reported early stocking of reservoirs due to drought conditions; the Snake River was dewatered for a few days from Blackfoot to American Falls due to water removal by an irrigation company, Department support for the City of Pocatello's interest in annexing the Edson Fichter Nature Center area and other properties to give the city better control of development and protect the local water resources, good deer green-up counts, and research indicating the majority of fawn mortality in Soda Springs was from malnutrition and, in the Rockland area, from predation.

Panhandle Region: Commissioner Hadley reported the recent sportsmen's breakfast in Coeur d'Alene was well attended, a meeting to discuss netting on Lake Pond Oreille and one in Bonner's Ferry to discuss a wildlife corridor in the Selkirk and Cabinet mountains, and good black bear and turkey seasons in the region.

Consent Calendar

The April Consent Calendar contained the minutes of the March 24-26, March 31, and April 13 Commission meetings; the Financial Report for the period ending February 29, 2004; and the following budget adjustment:

Magic Dam Mitigation Fund

A \$10,000 increase in the Natural Resource Policy Bureau's FY05 operating budget, PCA 78401, to enhance and restore fish habitat in the Camas Creek drainage with projects such as riparian fencing and restoring fish passage.
Source of funds: Magic Reservoir Hydroelectric, Inc.

04-45 Commissioner Wood moved and Commissioner Irby seconded a motion TO APPROVE THE ITEMS IN THE CONSENT CALENDAR AS PRESENTED. The motion carried in a unanimous vote.

REPORTS

Sage-Grouse Update

Tom Hemker, Program Coordinator, reported there are currently three petitions to list greater sage-grouse under the Endangered Species Act. The U.S. Fish and Wildlife Service review has determined that sage-grouse warrant more study; the Service will do that and then decide whether or not to list the species by January of 2005. Idaho, like eleven other states where sage-grouse are found, has local working groups and a statewide working group to address preservation of sage-grouse and their habitat. Mr. Hemker advised that the biggest impact on sage-grouse is loss of habitat, especially large fires. Grazing, predators and hunting have lesser effects on the bird populations.

Idaho's draft Sage-Grouse Management Plan should be finalized by December 2004. It will be included in the Range-wide Sage-Grouse Plan and submitted to the U.S. Fish and Wildlife Service.

Commissioner Wheeler suggested a predator study and requested a dollar estimate for a pilot project. The study was supported by Commissioner Burns. Director Huffaker will arrange a Commission workshop on population dynamics to look at interrelationships of weather, habitat, and predators.

RULES

Game Birds: Quail, Chukar and Grey Partridge

Don Kemner, Wildlife Staff Biologist, presented proposed changes to upland game seasons and a summary of statewide public comment from regional open houses, a web survey, and a random telephone survey.

04-46 Commissioner Gibbs moved and Commissioner Wheeler seconded a motion TO ADOPT BY PROCLAMATION, PROPOSED RULES FOR THE 2004-2005 AND 2005-2006 PHEASANT SEASONS AS PRESENTED.

Commissioners Watts and Gibbs discussed the proposed change in the time for opening the pheasant season.

04-47 Commissioner Watts made a substitute motion, seconded by Commissioner Wood TO ADOPT BY PROCLAMATION, PROPOSED RULES FOR THE 2004-2005 AND 2005-2006 SEASONS GOVERNING THE TAKING OF PHEASANTS ON WILDLIFE MANAGEMENT AREAS, MAINTAINING THE NOON OPENER IN AREAS 1, 2 AND 3 (APPENDIX 37, EXHIBIT 17). THE TEMPORARY RULES WILL BE IN EFFECT UNTIL ADOPTED AS PERMANENT RULES BY THE LEGISLATURE. The motion carried with Commissioners Hadley, Irby, Watts, Wood, Wheeler, and Burns voting yes and Commissioner Gibbs voting no.

04-48 Commissioner Watts moved and Commissioner Irby seconded a motion TO ADOPT BY PROCLAMATION, PROPOSED RULES FOR THE 2004-2005 and 2005-2006 QUAIL, CHUKAR, AND GREY PARTRIDGE SEASONS.

04-49 Commissioner Wood made a substitute motion, seconded by Commissioner Gibbs, TO ADOPT BY PROCLAMATION, THE THIRD SATURDAY IN SEPTEMBER AS THE OPENING DATE FOR THE 2004-2005 AND 2005-2006 QUAIL, CHUKAR, AND GREY PARTRIDGE SEASONS (APPENDIX 37, EXHIBIT 17). THE TEMPORARY RULES WILL BE

IN EFFECT UNTIL ADOPTED AS PERMANENT RULES BY THE LEGISLATURE. The motion carried in a unanimous vote.

04-50 Commissioner Watts moved TO ADOPT BY PROCLAMATION, A JANUARY 31 CLOSING DATE FOR 2004-2005 AND 2005-2006 QUAIL, GREY PARTRIDGE AND CHUKAR SEASONS. The motion died for lack of a second.

Discussion addressed a recommendation to allow various regions to develop closing dates relative to species and winter conditions; the Director's authority to close a season; concerns about extending seasons with limited numbers of birds, and the potential for taking away hunting opportunity with a December 31 closing date. Public support for the January 31 closing date was reviewed.

04-51 Commissioner Watts moved and Commissioner Irby seconded a motion TO ADOPT BY PROCLAMATION, THE STAFF RECOMMENDATION TO CLOSE THE 2004-2005 AND 2005-2006 QUAIL, GREY PARTRIDGE, AND CHUKAR SEASONS ON JANUARY 31. The motion failed with Commissioners Watts, Irby, and Hadley voting yes and Commissioners Wood, Wheeler, Gibbs, and Burns voting no.

04-52 Commissioner Watts moved and Commissioner Irby seconded a motion TO ADOPT BY PROCLAMATION, FOR THE 2004-2005 AND 2005-2006 SEASONS, A JANUARY 31 CLOSING DATE FOR QUAIL, CHUKAR, AND GREY PARTRIDGE IN THE PANHANDLE, CLEARWATER AND SOUTHWEST REGIONS AND A DECEMBER 31 CLOSING DATE FOR QUAIL, CHUKAR, AND GREY PARTRIDGE IN THE MAGIC VALLEY, SOUTHEAST, UPPER SNAKE AND SALMON REGIONS.

The motion was withdrawn.

04-53 Commissioner Watts moved and Commissioner Wood seconded a motion TO ADOPT BY PROCLAMATION FOR THE 2004-2005 AND 2005-2006 SEASONS, JANUARY 15 CLOSING DATES FOR CHUKAR AND GREY PARTRIDGE, AND A STATEWIDE DECEMBER 31 CLOSING DATE FOR QUAIL, THE SAME CLOSING DATES AS IN 2003.

The motion was withdrawn.

04-54 Commissioner Watts moved and Commissioner Wood seconded a motion TO ADOPT BY PROCLAMATION, FOR THE 2004-2005 AND 2005-2006 SEASONS, A JANUARY 31 CLOSING DATES FOR CHUKAR, QUAIL, AND GREY PARTRIDGE IN THE PANHANDLE, CLEARWATER AND SOUTHWEST REGIONS; CLOSING DATES OF DECEMBER 31 FOR CHUKAR, QUAIL, AND GREY PARTRIDGE IN THE MAGIC VALLEY, SOUTHEAST, AND UPPER SNAKE REGIONS; AND A CLOSING DATE OF JANUARY 15 FOR CHUKAR, QUAIL, AND GREY PARTRIDGE IN THE SALMON REGION (APPENDIX 37, EXHIBIT 17). THE TEMPORARY RULES WILL BE IN EFFECT UNTIL APPROVED AS PERMANENT RULES BY THE LEGISLATURE. The motion carried in a unanimous vote.

**Upland Game: Forest Grouse, Cottontails, Snowshoe Hares and Crows;
Motorized Vehicle Rules for Upland Game Hunting; Closure of Manns Lake**

04-55 Commissioner Wood moved and Commissioner Irby seconded a motion TO ADOPT BY PROCLAMATION FOR THE 2004-2005 AND 2005-2006 SEASONS, PROPOSED CHANGES TO RULES GOVERNING THE TAKING OF FOREST GROUSE, COTTONTAILS,

SNOWSHOE HARES, AND CROWS; MOTORIZED VEHICLE RULES APPLIED TO UPLAND GAME HUNTING; AND THE CLOSURE OF MANNS LAKE TO HUNTING OF UPLAND GAME (APPENDIX 37, EXHIBIT 17). THE TEMPORARY RULES WILL BE IN EFFECT UNTIL APPROVED AS PERMANENT RULES BY THE LEGISLATURE. The motion carried in a unanimous vote.

Upland Game: Sharptails and Sage Grouse

04-56 Commissioner Watts moved and Commissioner Irby seconded a motion TO ADOPT BY PROCLAMATION FOR THE 2004-2005 AND 2005-2006 SEASONS, THE SAME OPENING DATES, CLOSING DATES, AND BAG LIMITS FOR SHARPTAILS AND SAGE GROUSE AS IN 2003 (APPENDIX 37, EXHIBIT 17). THE TEMPORARY RULES WILL BE IN EFFECT UNTIL APPROVED AS PERMANENT RULES BY THE LEGISLATURE. The motion carried in a unanimous vote.

Falconry

Mr. Kemner advised there are no proposed changes to falconry rules.

04-57 Commissioner Gibbs moved and Commissioner Wood seconded a motion TO ADOPT BY PROCLAMATION, RULES GOVERNING FALCONRY SEASONS FOR 2004-2005 AND 2005-2006 WITH NO CHANGES FROM THE CURRENT RULES (APPENDIX 37, EXHIBIT 18). THE TEMPORARY RULES WILL BE IN EFFECT UNTIL APPROVED AS PERMANENT RULES BY THE LEGISLATURE. The motion carried in a unanimous vote.

Furbearers

Mr. Kemner presented proposed rules changes for furbearer seasons.

04-58 Commissioner Gibbs moved and Commissioner Burns seconded a motion TO ADOPT BY PROCLAMATION, PROPOSED CHANGES TO RULES GOVERNING THE TAKING OF FURBEARERS FOR THE 2004-2005 AND 2005-2006 SEASONS (APPENDIX 37, EXHIBIT 19). THE TEMPORARY RULES WILL BE IN EFFECT UNTIL ADOPTED AS PERMANENT RULES BY THE LEGISLATURE. The motion carried in a unanimous vote.

REPORTS

Clearwater Pheasant Initiative

Jerome Hansen, Environmental Staff Biologist, gave a presentation on the accomplishments of the Pheasant and Quail Initiative in Nez Perce and Latah counties since August 2001. The Initiative, a cooperative effort between the Governor's Office and the Idaho Department of Fish and Game, is funded by landowners, sportsmen, and other state and federal agencies. Its goal is to increase local bird populations, improve hunting opportunities, and stimulate rural economic growth derived from bird hunters. Management priorities include nesting cover, winter habitat, wetland habitat, riparian improvements and hunting access.

Craig Mountain Noxious Weed Control

Jim White, Regional Habitat Biologist, gave a presentation on noxious weed control on the Craig Mountain Wildlife Management Area, a program central to the successful management of the

property. Control efforts include aerial and ground herbicide application, prescribed fire, biological agents, and hand removal. In 2003, 1,800 acres were treated at a cost of \$115,700, in cooperation with The Nature Conservancy, Bureau of Land Management and other partners, and involved cost-share and grants from outside sources.

Enforcement Program Overview

The Enforcement presentation, "Wildlife Enforcement and the Conservation Officer: Then, Now, and in the Future," was provided by Jon Heggen, Chief, Bureau of Enforcement. He said conservation officers are authorized and obligated to enforce all laws of the State of Idaho, although their primary responsibility is enforcement of Idaho's Fish and Game Code. Officers spend about half their time enforcing the law and the remainder of their time on fish and wildlife management issues, hunter education, public relations, and wildlife depredations. In FY02, 105 field officers checked 73,477 of the 523,636 license holders, or about 14%. A total of 5,034 citations were issued; 396 as a result of plainclothes/undercover operations.

Barry Cummings, Senior Conservation Officer, provided the perspective of a new officer. He addressed officer education and training; interaction with the judicial system; an officer's community presence; increased risks to officers in the field relating to enhanced penalties for wildlife violations, drugs, and the commercialization of wildlife; technology tools; hunter ethics; ATV issues; and landowner relations.

Scott Reinecker, Assistant Chief, Enforcement, outlined the hiring and training of today's conservation officers, what the Department looks for in officer candidates, the wildlife forensic program, and wildlife law enforcement in the new millennium. Other topics in the presentation included poaching issues and the Citizens Against Poaching (CAP) program, politics and public involvement in today's Fish and Game Department, the enforcement organizational chart, the special investigations (undercover) program, and two special programs – Avista bull trout education and grizzly bear/caribou education and protection.

Strategic Plan

Tracey Trent distributed copies of the public review draft of the Department's Strategic Plan and described the methods to be used in its distribution. The public comment period will end in May and an analysis of comments will follow. The draft plan with the analysis of comments and recommended changes will be presented to the Commission for approval in July.

Idaho Conservation Data Center

Kevin Church, Program Coordinator, reviewed the organization and staffing of the Idaho Conservation Data Center, which has been a program within the Idaho Department of Fish and game since 1987.

The mission of the ICDC is to collect, maintain, analyze, and distribute information necessary for the management and conservation of Idaho's biological diversity. The program is largely funded by federal agencies for specific projects. Activities include field inventory and monitoring, using state-of-the-art data management techniques, and working with partners to develop conservation plans.

Chinook Salmon Update

Sharon Kiefer, Anadromous Fishery Manager, reported a potential for a 2004 chinook salmon run of 250,000 to 400,000 fish over Bonneville Dam. As of April 21, almost 63,000 fish have passed Bonneville Dam and pit tag counts indicate more than 10,000 of these are Rapid River stock.

Upper Salmon River Fishery; Salmon ESA Process

Sharon Kiefer outlined the steps that need to be followed to intercept or directly harvest listed chinook salmon in recreational fisheries. The federal permit used by Idaho is the incidental take permit in key fisheries – the Clearwater River; Lower, Main and Little Salmon rivers; the Snake River and the South Fork Salmon summer fishery. The federal permitting process takes so long that the permit is applied for far in advance of bringing an actual proposal to the Commission to set a season.

The Department has submitted an application to the National Oceanic and Atmospheric Administration (NOAA) for a direct-take permit with a three-year framework on targeted listed hatchery salmon in the Upper Salmon River. The process started in January and staff is currently working with NOAA on the environmental assessment.

FISCAL

FY05 Budget

Jeff Seward, Acting Chief, Bureau of Administration, presented the proposed FY05 budget for Commission action.

04-59 Commissioner Wood moved and Commissioner Irby seconded a motion TO APPROVE THE DEPARTMENT OF FISH AND GAME FISCAL YEAR 2005 BUDGET AS APPROPRIATED TO THE FISH AND GAME COMMISSION DURING THE SECOND REGULAR SESSION OF THE 57TH IDAHO LEGISLATURE (APPENDIX 37, EXHIBIT 20). The motion carried in a unanimous vote.

REPORTS

Mule Deer Management Process

Jim Unsworth, Chief, Bureau of Wildlife, gave a presentation on how the Department plans to move into mule deer management addressing the issues of the long-term decline in mule deer populations, populations below management objectives, hunters' desire for better hunting opportunity, and the current management plan that doesn't meet prevailing conditions. He reviewed hunter harvest during the last thirty years, the traditional planning approach in hunting season frameworks, factors influencing mule deer populations, and strategy for the development of a comprehensive, statewide mule deer management plan revision. Mr. Unsworth indicated he would like to see the process start immediately. The implementation schedule would be a year from October 2004.

The Commission gave solid support to the staff's management plan revision strategy recommendation. Commissioner Wood asked for the inclusion of a strong public communication component in that process.

Preview of Western Association of Fish and Wildlife Agencies (WAFWA) Meeting

Terry Mansfield, Deputy Director, briefed the Commission on preparations for the 2004 WAFWA Meeting in Sun Valley, Idaho, to be hosted by the Department of Fish and Game. Topics included donations of equipment and funds, selection of speakers, the availability of on-line registration, and accommodations.

The meeting recessed at 4:55 pm.

April 23, 2004

The meeting reconvened at 8:00 am. Commissioner Watts was absent.

LEGISLATION

2005 Legislative Proposals

Steve Barton, Assistant to the Director, led a discussion of legislative and budget issues, including the proposal to allow the Commission to make incremental changes in fees; use of the Department's "rainy day" fund anticipated beginning in FY06; budget impacts including needs identified in the Strategic Plan, change in employee compensation, and inflation. Commissioner Wood suggested funds for the mule deer program and Access Yes! should come out of a fee increase because they are programs the Legislature could support.

Further discussion addressed the need for an analysis of where costs can be cut; efforts to prevent listing of sage-grouse under the ESA, need for a vision on how to increase the enforcement effort and work on species of special concern; Commission interest in a new Department publication directed at hunters and anglers, and deer population management for larger deer.

The Department will put together a specific legislative proposal for Commission consideration based on the foregoing discussion.

Commissioner Gibbs left the meeting at 9:00 to participate in a telephone conference.

REPORTS

Nonresident Youth Mentored Tag

Al Van Vooren, Regional Supervisor, Southwest Region, gave a presentation on the background and intent of the nonresident youth mentored tag and the response to the program. The intent was that the tag apply to any mentor, nonresident or resident. Last year, 1,641 youth mentored tags were purchased, a large share of them from non-adjacent states, resulting in a 400% increase in nonresident youth hunting in Idaho.

The Department will continue to monitor the program.

RS 2477 and Sportsmen's Access

Michael Bogert, Counsel to Governor Kempthorne, addressed the issue of public access to federal lands for recreation through private lands. RS 2477 established federally protected

rights of way with regard Idaho's system of country management of roads. Some landowners feel having an access route across their property puts a "cloud" on the title. The role of the federal government is sometimes not in line with needs of the state, county, or private landowners.

Mr. Bogert reported the Governor's team is working on the access issue and is hoping to introduce legislation during the 2005 Legislative Session to resolve the conflicts. The Commission will support those efforts in a formal motion at its July 2004 meeting.

Commissioner Gibbs returned to the meeting.

Wolf Management Under the 10(j) Rule

David Hensley, Counsel for the Office of Species Conservation, reported the State of Wyoming is challenging the Interior Secretary's decision to not approve its wolf management plan. He said with judicial concerns in the delisting process, the 10(j) amendment, which increases the state's management role and flexibility in controlling wolves, is the best opportunity for states to handle wolf issues prior to delisting.

Responding to a question about the source of funding for wolf management, Michael Bogert, Counsel to the Governor, said the Office of Species Conservation will develop a memorandum of understanding with the Department of the Interior which will include funding for wolf management under provisions of the Endangered Species Act.

04-60 Commissioner Wood moved and Commissioner Burns seconded a motion TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345(1) (f) TO DISCUSS LITIGATION. The motion carried in a unanimous vote.

The session began at 10:50 am and ended at 11:25 am. No official action was taken.

MISCELLANEOUS

2004 Commission Meeting Calendar

Director Huffaker presented a proposal for future Commission meetings which would result in five formal meetings per year and two conference calls.

04-61 Commissioner Gibbs moved and Commissioner Wheeler seconded the motion TO HOLD THE JULY 8-9, 2004 COMMISSION MEETING IN ST. MARIES AS SCHEDULED, CANCEL THE SEPTEMBER 30/OCTOBER 1, 2004 MEETING, AND MOVE THE DECEMBER 2004 MEETING TO NOVEMBER 17-19, 2004 IN OROFINO. The motion carried in a unanimous vote.

Adjournment

The meeting adjourned at 11:45 am.